

**Executive Summary – Enforcement Matter – Case No. 45523**  
**STONE GATE GOLF COURSE, L.C.**  
**RN101193332**  
**Docket No. 2012-2383-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Stone Gate Golf Course, 11010 Indiana Avenue, Lubbock, Lubbock County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 26, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,739

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$1,739

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 45523**  
**STONE GATE GOLF COURSE, L.C.**  
**RN101193332**  
**Docket No. 2012-2383-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 8, 2012

**Date(s) of NOE(s):** October 31, 2012

***Violation Information***

1. Failed to collect routine distribution water samples for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].
3. Failed to collect one raw groundwater source *Escherichia coli* (“*E. coli*”) sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive sample [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting all routine, repeat, and groundwater source *E. coli* samples from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
- b. Within 195 days, submit written certification demonstrating compliance with Ordering Provision a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 45523**  
**STONE GATE GOLF COURSE, L.C.**  
**RN101193332**  
**Docket No. 2012-2383-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Jim Flournoy, Director, STONE GATE GOLF COURSE, L.C., 8112 Utica Avenue, Lubbock, Texas 79424-3118

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES**

**Assigned**

12-Nov-2012

**PCW**

26-Nov-2012

**Screening**

15-Nov-2012

**EPA Due**

30-Sep-2011

## RESPONDENT/FACILITY INFORMATION

**Respondent** STONE GATE GOLF COURSE, L.C.

**Reg. Ent. Ref. No.** RN101193332

**Facility/Site Region** 2-Lubbock

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 45523

**Docket No.** 2012-2383-PWS-E

**Media Program(s)** Public Water Supply

**Multi-Media**

**No. of Violations** 1

**Order Type** Findings

**Government/Non-Profit** No

**Enf. Coordinator** Jim Fisher

**EC's Team** Enforcement Team 2

**Admin. Penalty \$ Limit Minimum** \$50

**Maximum**

\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

37.0% Enhancement

**Subtotals 2, 3, & 7** \$185

**Notes**

Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

**Culpability**

No

0.0% Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

0.0% Enhancement\*

**Subtotal 6** \$0

Total EB Amounts \$54  
Approx. Cost of Compliance \$50

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** \$685

## OTHER FACTORS AS JUSTICE MAY REQUIRE

7.9%

**Adjustment** \$54

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Enhancement to recover the avoided costs of compliance for Violation No. 1.

**Final Penalty Amount** \$739

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$739

## DEFERRAL

0.0%

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

## PAYABLE PENALTY

\$739

Screening Date 15-Nov-2012

Docket No. 2012-2383-PWS-E

PCW

Respondent STONE GATE GOLF COURSE, L.C.

Policy Revision 2 (September 2002)

Case ID No. 45523

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193332

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 37%

Screening Date 15-Nov-2012

Docket No. 2012-2383-PWS-E

PCW

Respondent STONE GATE GOLF COURSE, L.C.

Policy Revision 2 (September 2002)

Case ID No. 45523

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101193332

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(I), and Tex. Health &amp; Safety Code § 341.033(d)

Violation Description Failed to collect routine distribution water samples for coliform analysis for the months of February and August 2011.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Failure to perform routine coliform monitoring could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 2

59 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$739

This violation Final Assessed Penalty (adjusted for limits) \$739

# Economic Benefit Worksheet

**Respondent** STONE GATE GOLF COURSE, L.C.

**Case ID No.** 45523

**Reg. Ent. Reference No.** RN101193332

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-Feb-2011	31-Aug-2011	1.50	\$4	\$50	\$54
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to conduct routine coliform sampling (\$25 per sample), calculated for the months sampling was not conducted.

**Approx. Cost of Compliance**

\$50

**TOTAL**

\$54





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES**

**Assigned PCW**

12-Nov-2012  
26-Nov-2012

**Screening**

15-Nov-2012

**EPA Due**

30-Sep-2011

## RESPONDENT/FACILITY INFORMATION

**Respondent** STONE GATE GOLF COURSE, L.C.

**Reg. Ent. Ref. No.** RN101193332

**Facility/Site Region** 2-Lubbock

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 45523

**Docket No.** 2012-2383-PWS-E

**Media Program(s)** Public Water Supply

**Multi-Media**

**No. of Violations** 3

**Order Type** Findings

**Government/Non-Profit** No

**Enf. Coordinator** Jim Fisher

**EC's Team** Enforcement Team 2

**Admin. Penalty \$ Limit Minimum**

\$50

**Maximum**

\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$600

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

37.0% Enhancement

**Subtotals 2, 3, & 7** \$222

**Notes**

Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

**Culpability**

No

0.0% Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

0.0% Enhancement\*

**Subtotal 6** \$0

Total EB Amounts \$178  
Approx. Cost of Compliance \$175

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** \$822

## OTHER FACTORS AS JUSTICE MAY REQUIRE

21.7%

**Adjustment** \$178

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1, 2 and 3.

**Final Penalty Amount** \$1,000

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** \$1,000

## DEFERRAL

0.0%

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

## PAYABLE PENALTY

\$1,000

Screening Date 15-Nov-2012

Docket No. 2012-2383-PWS-E

PCW

Respondent STONE GATE GOLF COURSE, L.C.

Policy Revision 3 (September 2011)

Case ID No. 45523

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101193332

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 37%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 37%

Screening Date 15-Nov-2012

Docket No. 2012-2383-PWS-E

PCW

Respondent STONE GATE GOLF COURSE, L.C.

Policy Revision 3 (September 2011)

Case ID No. 45523

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101193332

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(i), and Tex. Health &amp; Safety Code § 341.033(d)

Violation Description

Failed to collect routine distribution water samples for coliform analysis for the months of May and June of 2012.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to perform routine coliform monitoring could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

Two monthly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$300

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

# Economic Benefit Worksheet

**Respondent** STONE GATE GOLF COURSE, L.C.

**Case ID No.** 45523

**Reg. Ent. Reference No.** RN101193332

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-May-2012	30-Jun-2012	1.08	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to conduct routine coliform sampling (\$25 per sample), calculated for the months sampling was not conducted.

**Approx. Cost of Compliance** \$50

**TOTAL** \$53

Screening Date 15-Nov-2012

Docket No. 2012-2383-PWS-E

PCW

Respondent STONE GATE GOLF COURSE, L.C.

Policy Revision 3 (September 2011)

Case ID No. 45523

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101193332

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)(3)(A)(ii)

Violation Description

Failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine distribution sample during the month of November 2011.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to perform repeat coliform monitoring could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150

One monthly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

# Economic Benefit Worksheet

**Respondent** STONE GATE GOLF COURSE, L.C.

**Case ID No.** 45523

**Reg. Ent. Reference No.** RN101193332

**Media** Public Water Supply

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	22-Nov-2011	23-Nov-2011	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The delayed cost includes the estimated amount to collect four repeat distribution coliform samples (\$25/sample), calculated for the 24-hour period after the coliform-positive result.

Approx. Cost of Compliance

\$100

**TOTAL**

\$100

Screening Date 15-Nov-2012

Docket No. 2012-2383-PWS-E

PCW

Respondent STONE GATE GOLF COURSE, L.C.

Policy Revision 3 (September 2011)

Case ID No. 45523

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101193332

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(4)(B)

## Violation Description

Failed to collect one raw groundwater source Escherichia coli sample from the Facility's well within 24 hours of notification of a total coliform-positive result on a routine distribution sample during the month of November 2011.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect triggered source monitoring samples could result in persons served by the Facility being exposed to undetected contaminants, including Escherichia coli, which would exceed levels protective of human health.

Adjustment \$850

\$150

## Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$150

One monthly event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

# Economic Benefit Worksheet

**Respondent** STONE GATE GOLF COURSE, L.C.

**Case ID No.** 45523

**Reg. Ent. Reference No.** RN101193332

**Media** Public Water Supply

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	22-Nov-2011	23-Nov-2011	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to conduct triggered source monitoring of the drinking water, calculated for the 24-hour period after the coliform-positive result.

**Approx. Cost of Compliance**

\$25

**TOTAL**

\$25





## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600639264, RN101193332, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600639264, STONE GATE GOLF COURSE, L.C.	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Regulated Entity:</b>	RN101193332, STONE GATE GOLF COURSE	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	11010 INDIANA AVENUE, LUBBOCK, LUBBOCK COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 02 - LUBBOCK		
<b>ID Number(s):</b>			
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b>	1520239		
<b>Compliance History Period:</b>	September 01, 2007 to August 31, 2012	<b>Rating Year:</b> 2012	<b>Rating Date:</b> 09/01/2012
<b>Date Compliance History Report Prepared:</b>	November 28, 2012		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	November 12, 2007 to November 12, 2012		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Jim Fisher	<b>Phone:</b>	(512) 239-2537

### Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If YES for #2, who is the current owner/operator?   | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)?                                     | N/A |
| 5) If YES, when did the change(s) in owner or operator occur?                                      | N/A |

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- |   |  |  |
|---|--|--|
| 1 | Effective Date: 03/18/2012   | ADMINORDER 2011-1172-PWS-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate   |  |
|   | Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)   |  |
|   | Description: Failure to compile and maintain a plant operations manual as required. Title 30 TAC 290, Subchapter D, Section 290.42(l) lists the requirement for a plant operations manual.                                       |  |
|   | Classification: Major  |  |
|   | Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)   |  |
|   | 30 TAC Chapter 290, SubChapter F 290.110(b)(2)   |  |
|   | Description: Failure to maintain a free chlorine residual of at least 0.2 milligrams per liter (mg / L) as required. Title 30 TAC 290, Subchapter F, Section 290.110(b)(2) lists the requirement for the free chlorine residual. |  |

**B. Criminal convictions:** N/A

**C. Chronic excessive emissions events:** N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	August 14, 2008	(689621)
Item 2	September 04, 2012	(1023936)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |          |  |                          |
|----------|--|--------------------------|
| <b>1</b> | <b>Date:</b> 03/13/2012 (1041281)  | <b>CN600639264</b>       |
|          | Self Report? NO  | Classification: Moderate |
|          | Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  |                          |
|          | Description: GWR Triggered Source Monitoring Violation 11/2011 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for 1 source.                            |                          |
| <b>2</b> | <b>Date:</b> 05/11/2012 (1002495)  | <b>CN600639264</b>       |
|          | Self Report? NO  | Classification: Moderate |
|          | Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)   |                          |
|          | Description: Failure to maintain a free chlorine residual of at least 2.0 milligrams per liter (mg / L) in the system per Title 30 Texas Administrative Code (TAC), Subchapter D, Section 290.110(b)(2). |                          |
| <b>3</b> | <b>Date:</b> 07/23/2012 (1041281)  | <b>CN600639264</b>       |
|          | Self Report? NO  | Classification: Moderate |
|          | Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)<br>30 TAC Chapter 290, SubChapter F 290.109(f)(5)<br>30 TAC Chapter 290, SubChapter F 290.109(f)(7)                                       |                          |
|          | Description: TCR Routine Monitoring Violation 05/2012 - Failure to collect any routine monitoring sample(s).   |                          |
| <b>4</b> | <b>Date:</b> 09/19/2012 (1041281)  | <b>CN600639264</b>       |
|          | Self Report? NO  | Classification: Moderate |
|          | Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)<br>30 TAC Chapter 290, SubChapter F 290.109(f)(5)<br>30 TAC Chapter 290, SubChapter F 290.109(f)(7)                                       |                          |
|          | Description: TCR Routine Monitoring Violation 06/2012 - Failure to collect any routine monitoring sample(s).   |                          |

**F. Environmental audits:** N/A

**G. Type of environmental management systems (EMSs):** N/A

**H. Voluntary on-site compliance assessment dates:** N/A

**I. Participation in a voluntary pollution reduction program:** N/A

**J. Early compliance:** N/A

**Sites Outside of Texas:** N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
STONE GATE GOLF COURSE, L.C.  
RN101193332**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-2383-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding STONE GATE GOLF COURSE, L.C. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply at 11010 Indiana Avenue in Lubbock, Lubbock County, Texas (the "Facility") that has approximately one service connection and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on October 8, 2012, TCEQ staff documented that the Respondent did not collect routine distribution water samples for coliform analysis for the months of February and August 2011, and May and June 2012.
3. During a record review conducted on October 8, 2012, TCEQ staff documented that the Respondent did not collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine distribution sample during the month of November 2011.
4. During a record review conducted on October 8, 2012, TCEQ staff documented that the Respondent did not collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a total coliform-positive result on a routine distribution sample during the month of November 2011.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect routine distribution water samples for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i), and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect a set of repeat distribution coliform samples within 24 hours of being notified of a total coliform-positive result on a routine sample, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive sample, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Thousand Seven Hundred Thirty-Nine Dollars (\$1,739) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Seven Hundred Thirty-Nine Dollar (\$1,739) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Seven Hundred Thirty-Nine Dollars (\$1,739), as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: STONE GATE GOLF COURSE, L.C., Docket No. 2012-2383-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order, begin complying with applicable coliform monitoring requirements by collecting all routine, repeat, and groundwater source *Escherichia coli* samples from each groundwater source in use at the time the distribution coliform-positive sample was collected, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
  - b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

*Pam Dravici*  
For the Executive Director

9/3/13  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of STONE GATE GOLF COURSE, L.C. I am authorized to agree to the attached Agreed Order on behalf of STONE GATE GOLF COURSE, L.C., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, STONE GATE GOLF COURSE, L.C. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*Jim Flounoy*  
Signature

March 11<sup>th</sup>, 2013  
Date

Jim Flounoy  
Name (Printed or typed)  
Authorized Representative of  
STONE GATE GOLF COURSE, L.C.

Director  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.